

KCC 4778.2 (K-C 17,571.2)
PATENT

REMARKS

Claims 1-5 are currently pending in this application. The following remarks are responsive to the Office action dated July 22, 2005.

Information Disclosure Statement

* A Fourth Supplemental Information Disclosure Statement is being submitted herewith. Applicants respectfully request consideration of the reference cited therein.

Response to Objections to the Specification

The specification is amended herein in response to the objections to the abstract raised in paragraph 1 of the Office action. In view of these amendments, the specification is submitted to be in proper form.

Response to the Rejections of the Claims

Claim 1

The present invention is directed generally to a recloseable package for interlabial pads so that the pads can be carried in purses, backpacks, briefcases, etc. in a hygienic environment until needed. Thus, the pads are prevented from becoming dirty and/or damaged. Further, the pads are maintained by the package in a common location which makes them easy to find when needed.

Particularly, claim 1 is directed to a package of interlabial pads for carrying a supply of the pads in hygienic condition in such manner as to maintain them in hygienic condition and to be readily available for use in hygienic condition when needed. The package comprises a receptacle and a supply of pads in the receptacle. The receptacle has an

KCC 4778.2 (K-C 17,571.2)
PATENT

opening through which a pad may be withdrawn for use when needed, and a reclosable closure for closing the opening. The closure is closed for carrying the pads in hygienic condition and for continued carrying in hygienic condition of the pads remaining in the receptacle after withdrawal of a pad. The receptacle comprises a bag having front and back walls joined at the sides and bottom with the opening at the top. The closure comprises press-fit members extending across the walls adjacent the opening.

Claim 1 is submitted to be nonobvious in view of and patentable over the references of record, and in particular U.S. Patent No. 6,059,100 (Jones) and U.S. Patent No. 6,115,997 (Burrow et al.) in that whether considered alone or in combination the references fail to teach or suggest a package comprising a receptacle and a supply of pads in the receptacle in a hygienic condition.

As shown in Figs. 1-5, Jones discloses a feminine hygiene product disposal system 10 comprising a main container 12 with an interior 14 and a sealable top 16. The sealable top 16 is formed by a locking track 38. A plurality of disposal containers 20 for holding used feminine hygiene products are placed in the interior 14 of the main container 12. The plurality of disposal containers 20 includes a pair of outer disposal containers 21 and at least one interior disposal container 23 positioned between the outer disposal containers. Each of the disposal containers 21, 23 are separable from adjacent containers.

Jones lacks any disclosure or suggestion for placing feminine hygiene pads in the main container 12. In short, Jones merely discloses a container of "disposal bags" wherein

KCC 4778.2 (K-C 17,571.2)
PATENT

each bag is individually removed from the container and a single used pad is placed in the individual disposal bag. Thus, Jones at best teaches placing a single pad (and a used one at that) into a single container. Nowhere does Jones teach or suggest placing a plurality of pads into a container let alone in a hygienic condition. Accordingly, Jones fails to disclose a supply of pads in the receptacle as recited in claim 1.

The Office action thus relies on Burrow et al. Burrow et al. disclose in their description of the prior art that a single package can be used to package a new pad, saved, and then used to wrap the used pad for disposal. Specifically, Burrow et al. state at col. 1, ll. 23-30 (as relied on by the Office):

It is known to *individually package* disposable feminine hygiene articles, wherein a single cover sheet is wrapped around the article and sealed to itself optionally with a releasable tab provided with adhesive. Such packaging allows the user to open it by pulling on the tab, and to re-use the package by inserting a used version of the article inside the single cover sheet, wrapping it closed and re-sealing the tab. Emphasis added.

Thus, as with Jones, Burrow et al. at best teach an individual pad in an individual package. Nowhere do Burrow et al. teach or suggest storing a plurality of unused pads in a single package in a hygienic condition. Thus, Burrow et al. (like Jones) also fails to disclose a supply of pads in a receptacle as recited in claim 1.

KCC 4778.2 (K-C 17,571.2)
PATENT

Since Jones and Burrow et al. each individually fail to disclose or suggest a supply of pads in a receptacle in a hygienic condition, a combination of these references also fails to disclose or suggest such a feature.

Moreover, it would not have been obvious to one of ordinary skill in the art to modify the system of Jones in view of the teaching of Burrow et al. as asserted by the Office. In determining whether a case of *prima facie* obviousness exists, it is necessary to ascertain whether the prior art teachings would appear to be sufficient to one of ordinary skill in the art to suggest making the claimed substitution or other modification. Obviousness can only be established by modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references or in the knowledge generally available to one of ordinary skill in the art. M.P.E.P. §2143.01 citing *In re Kotzab*, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). The mere fact that a prior art reference may be modified to obtain the claimed invention does not make the claimed invention obvious if there is no suggestion or motivation in the reference to make the modification. *In re Mills*, 916 F.2d 680, 682, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990). The prior art must provide one of ordinary skill the motivation to make the proposed modifications. *In re Lalu*, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1984).

Both Jones and Burrow et al. teach placing a single feminine hygiene product in a single package. Nowhere do either of these references teach or suggest placing more than one feminine hygiene product into a single package to maintain the products in a hygienic condition. As a result, one of ordinary skill in the art would not have been motivated by

KCC 4778.2 (K-C 17,571.2)
PATENT

Burrow et al. to modify Jones to provide a receptacle and a supply of pads therein in a hygienic condition.

Claims 2-5 depend directly or indirectly from claim 1 and are submitted to be patentable over the references of record for the same reasons as claim 1.

KCC 4778.2 (K-C 17,571.2)
PATENT

CONCLUSION

In view of the above, applicants respectfully request favorable reconsideration and allowance of claims 1-5.

Respectfully submitted,



Richard L. Bridge, Reg. No. 40.529
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

RLB/PEB/bcw

VIA FACSIMILE (571) 273-8300